



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
Second Regular Session

House: JUD DPA/SE 6-4-0-0

HB 2621: consent decree; prohibited

S/E: same subject

Sponsor: Representative Parker, LD 16

House Engrossed

Overview

Restricts a court and the State of Arizona from entering into or signing a consent decree or any settlement agreement in any civil court proceeding in which the constitutionality or legality of any provision in Title 16, *elections and electors*, is challenged.

History

Current statute requires, when declaratory relief is sought, that in any proceeding in which a state statute, ordinance, franchise or rule is alleged to be unconstitutional, the Attorney General, the Speaker of the House of Representatives and the President of the Senate must be served with documentation containing the allegation at the same time the other parties in the action are served and must be entitled to be heard.

If the Attorney General and the Legislature are not served in a timely manner, on motion by the Attorney General and the Legislature, the court must vacate any finding of unconstitutionality and then give the Attorney General and the Legislature a reasonable opportunity to prepare and be heard ([A.R.S. § 12-1841](#)).

Provisions

1. Prohibits the State of Arizona from entering into or signing a consent decree or settlement agreement in any civil court proceeding in which the constitutionality or legality of any provision in Title 16 is challenged. (Sec. 1)
2. Exempts the above from applying to the citizens clean elections act. (Sec. 1)